

Docket No.: 320528500US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Charbonneau

Patent No.: 7,526,654

Issued: April 28, 2009

For: METHOD AND SYSTEM FOR DETECTING
A SECURE STATE OF A COMPUTER
SYSTEM

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Applicant requests reconsideration of the patent term adjustment indicated on the Issue Notification of April 8, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320528500US from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 823 days. The PTO's calculated patent term adjustment is 153 days. Applicant is entitled to an additional 670 days of patent term adjustment.

The PTO properly accounted for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 786 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 933 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 116 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 780 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $786 + 933 - 116 - 780$, which is 823 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 months	10/16/2001	↓
First Office Action	2/9/2005	786
Reply	4/12/2005	↓
Non-Final Office Action	8/15/2007	0
Total		786

B Delay		
Filing Date + 3 Years	10/16/2001	↓
Issue Date	5/7/2007	933
Total		933

Overlap	
Total	116

Reduction		
Non-Final Office Action	2/9/2005	↓
Reply	4/12/2005	0
Final Office Action	6/28/2005	↓
Reply	5/7/2007	586
Non-Final Office Action	8/15/2007	↓
Reply	5/2/2008	169
Final Office Action	8/7/2008	↓
Reply	12/2/2008	25
Total		780

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Dated: June 29, 2009

Respectfully submitted,

By 

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